

Fisher, Paul

From: Lloyd Pollard [lloyd@ganzlaw.com]
Sent: Tuesday, October 11, 2011 7:44 PM
To: Fisher, Paul
Cc: Araque, Gerardo; Plucinski, Jamisue; Tracie Brooks Semenchalam; Bradley M. Ganz
Subject: RE: Proposed Claim for Examiner Interview (U.S. Application No. 09/881,353)
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Revised claim proposal.pdf

Hi, Paul.

This e-mail provides a framework for tomorrow's interview.

Attached is a revised version of the claim that accompanied your e-mail dated September 14, 2011, below. Changes are shown in red.

Our client may consider adding the attached claim to the current listing of claims. Its decision on the point will turn, in part, on the outcome of tomorrow's interview. However, for the reasons set forth below, our client is unlikely to agree to amendments requiring all of the claims to include the features recited in the attached claim.

I have had an opportunity to review our files and am confident that we can antedate U.S. Publication No. 2002/0107735 and its earliest priority application (filed on August 30, 2000), as well as U.S. Patent No. 7,426,513 and its earliest priority application (filed on October 12, 2000). Therefore, it is our view that no portion of these references is valid prior art to the subject matter claimed in this application.

I understand your e-mail dated August 19, 2011, to implicitly acknowledge that the pending claims are allowable over U.S. Patent No. 6,092,074, taken alone. I hope to confirm this point during the interview.

The SEARCH.COM reference lacks any evidence that a content document from a content provider computer system has a client-executable code to invoke the central computer system to recognize key elements based on key elements contained in a key element list, as recited in claim 1. The supplied reference also lacks any evidence that the central computer system generates annotation instructions for the client computer system to annotate the content document by annotating a key element in the content document, let alone evidence that the central computer system sends annotation instructions from the central computer system to the client, as claimed. Therefore, the supplied SEARCH.COM reference, taken alone or in combination with any other valid prior art of record, does not render claim 1 unpatentable. I hope to confirm this point during the interview.

I look forward to speaking with you and your colleagues tomorrow.

Best regards,
Lloyd

Lloyd L. Pollard II
Attorney

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10/12/2011

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From: Lloyd Pollard
Sent: Wednesday, September 21, 2011 12:00 PM
To: Fisher, Paul
Cc: Araque, Gerardo; Plucinski, Jamisue; Tracie Brooks Semenchalam
Subject: RE: Proposed Claim for Examiner Interview (U.S. Application No. 09/881,353)

Thank you, Paul. From a commercial perspective, the claim is unworkable since it recites all three computer systems. That said, we will use this proposal as the basis for a counterproposal, in combination with gathering evidence of an actual reduction to practice that antedates the newly cited references.

Naturally, I will provide these materials in advance of our planned October 12, 2011, interview.

Best regards,
Lloyd

Lloyd L. Pollard II
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From: Fisher, Paul [<mailto:Paul.Fisher@USPTO.GOV>]
Sent: Wednesday, September 14, 2011 7:50 AM
To: Lloyd Pollard
Cc: Araque, Gerardo; Plucinski, Jamisue
Subject: Proposed Claim for Examiner Interview (U.S. Application No. 09/881,353)

Mr. Pollard,

I have attached the proposed claim Primary Examiner Gerry Araque and I have agreed upon for discussion on the interview scheduled 10/12/2011 at 1pm EST, along SPE Jamisue Plucinski.
Thanks,

Paul Fisher
Patent Examiner
Art Unit 3689
US Patent and Trademark Office
571-270-5097

10/12/2011